

06/03/2019

JULIA C. DUDLEY, CLERK
BY: *H. Wheeler*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

ELIZABETH SINES et al.,)
Plaintiffs,) Civil Action No. 3:17-cv-00072
)
v.) ORDER
)
JASON KESSLER et al.,) By: Joel C. Hoppe
Defendants.) United States Magistrate Judge

This matter is before the Court on a motion by James Kolenich, Esq., and Elmer Woodard, Esq., to withdraw as counsel of record for Defendant Vanguard America. ECF No. 459. Their request follows Vanguard America’s refusal to heed counsel’s “instructions or requests regarding [its] discovery obligations,” as well as Vanguard America’s failure to give counsel any “information that would show cause why” it should not be held in contempt for its failure to comply with this Court’s prior orders directing it to provide or permit discovery. Kolenich & Woodard Br. in Supp. 1–2, ECF No. 460; *see* ECF Nos. 452, 458, 458-1. The Court held a hearing on June 3, 2019, at which Mr. Kolenich appeared in person.

Messrs. Kolenich and Woodard have shown good cause to withdraw as counsel for Defendant Vanguard America in this matter, primarily because Vanguard has stopped communicating with them. W.D. Va. Gen. R. 6(i); *see Cline-Thomas v. Keels*, No. 2:13cv204, 2014 WL 12603134, at *2 (E.D. Va. July 21, 2014). While allowing counsel to withdraw from representing this organizational Defendant may cause some additional delay or inconvenience, *see* Pls.’ Br. in Opp’n 1, ECF No. 470, those issues can be addressed as they arise. Accordingly, counsel’s motion to withdraw, ECF No. 459, is **GRANTED**. The Clerk is directed to terminate Mr. Kolenich and Mr. Woodard as counsel of record for Defendant Vanguard America.

Dillon Ulysses Hopper has been acting as Defendant Vanguard America's authorized representative in this litigation. ECF Nos. 157, 356-1, 473. Within seven (7) days from the date of this Order, Mr. Kolenich shall provide Mr. Hopper's last known mailing address, telephone number, email address, or any other contact information to the Court and to Plaintiffs' counsel. Mr. Kolenich shall also deliver a copy of this Order to Mr. Hopper by any means reasonably likely to ensure that he personally receives it.

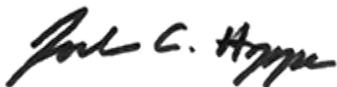
* * *

Plaintiffs allege that Defendant Vanguard America is an unincorporated association subject to suit under Virginia law. Am. Compl. ¶ 24, ECF No. 175. Unlike individuals, artificial entities may "appear in the federal courts only through licensed counsel." *Rowland v. Calif. Men's Colony*, 506 U.S. 194, 202–03 (1993). This "rule applies equally to all artificial entities," *id.*, including unincorporated associations. See ECF Nos. 166, 210, 427, 440. Dillon Hopper is not a licensed attorney. Accordingly, Defendant Vanguard America is hereby directed, by the end of the day on **June 25, 2019**, to: (1) retain a licensed attorney; and (2) have that attorney enter his or her appearance on Defendant's behalf in this matter. Counsel must be admitted to practice before the United States District Court for the Western District of Virginia. W.D. Va. Gen. R. 6(a)–(d), (i).

The Clerk shall send a copy of this Order to the parties.

It is so ORDERED.

ENTER: June 3, 2019



Joel C. Hoppe
U.S. Magistrate Judge